



INTRODUCTION TO THE CANADIAN LEGAL SYSTEM

INTENSIVE COURSE

Professor David Dyzenhaus

September 2009

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INTENSIVE COURSE
INTRODUCTION TO THE CANADIAN LEGAL SYSTEM
FLAVELLE HOUSE FLA

September 1, 2009

10.00 – 12.00 David Dyzenhaus – Materials at TAB 1

Overview of the Canadian Legal Order and the Common Law

2.00 - 4.00 Catherine Valcke — Materials at TAB 2

Common Law Reasoning

September 2, 2009

10.00 – 12.00 Sujit Choudhry – Materials at TAB 3

Federalism

2.00 - 4.00 Lorraine Weinrib -- Materials at TAB 4

The Charter of Rights and Freedoms

September 3, 2009

10.00 – 12.00 Lisa Austin -- Materials at TAB 5

Property Law

2.00 -- 4.00 Martha Shaffer – Materials at TAB 6

Criminal Law

Introduction to the Canadian Legal System – Intensive Course

David Dyzenhaus – Sept 2009

1. Legal Timeline of Canada & Categories of Law	1
2. “Canada” in Herbert M. Kritzer, ed, <i>Legal Systems of the World: A Political, Social and Cultural Encyclopedia</i> (ABC Clio).	3
3. “The Doctrines of Precedent and Stare Decisis” in Gerald G Gall, <i>The Canadian Legal System</i> (Scarborough: Carswell Thomson, 1995).	11
4. “Statutory Interpretation” in Richard A Yates, <i>Introduction to Law in Canada</i> (Scarborough: Prentice Hall Allyn and Bacon, 2000).	25
5. Harrison v Carswell [1976] 2 SCR 200.	27
6. Cundy v Lindsay, (1878) 3 App Cas 459 (HL)	Tab 2
7. National Mut Ins Co v Tidewater Transfer Co 337 US 582 (USSC)	Tab 2
8. “Constitutional Interpretation” in <i>Canadian Constitutional Law</i> , 3 rd ed (Emond Montgomery, 2003).	Tab 3
9. Reference re Secession of Quebec [1998] 2 SCR 217	Tab 4
10. AM Sinclair, <i>Introduction to Real Property Law</i> (Toronto: Butterworths, 1969) Chapter 1	Tab 5
11. R v Cuerrier [1998] 2 SCR 371.	Tab 6

Legal Timeline of Canada

	Aboriginal peoples resided in North American before European contact
1608	Colony of New France established
1664	French civil law “Coutume de Paris” established in New France
1763	Treaty of Paris - France cedes New France to Britain
1763	Royal Proclamation - recognized Aboriginal rights
1774	Quebec Act – Quebec to use French civil law; criminal law to be based on common law
1791	Constitution Act – Quebec and Ontario divided into Upper and Lower Canada; colonies granted representative assemblies and British-style parliament
1820-40	Dissension between Upper and Lower Canada
1840	Union Act – established first Parliament of the United Province of Canada
1866	Civil Code of Quebec introduced
1867	British North America Act – now the Constitution Act of 1867 – established Canada as constitutional monarchy, parliamentary democracy committed to parliamentary supremacy, and a federal state with power divided between federal and provincial governments (Ontario, Quebec, Nova Scotia and New Brunswick)
1870	Manitoba, Alberta and Saskatchewan join Confederation
1871	British Columbia joins Confederation
1872	Prince Edward Island joins Confederation
1875	Supreme Court established by Supreme Court Act
1931	Statute of Westminster (UK) no UK statute binds Canada, except BNA, 1867
1949	Newfoundland joins Confederation
1982	Canada Act (UK) henceforth, no UK statute binds Canada and the Constitution Act, 1982 including Charter of Rights and Freedoms enacted
1994	New Quebec Civil Code comes into effect

Categories of Law

